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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,517

07/27/2006

Noriyoshi Sonetaka

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07/16/2008

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EXAMINER

OBISESAN, AUGUSTINE KUNLE

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/587,517</p>	<p>Applicant(s) SONETAKA, NORIYOSHI</p>	
	<p>Examiner AUGUSTINE OBISESAN</p>	<p>Art Unit 2169</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 - 14 and 20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Pierre M. Vital/
Supervisory Patent Examiner, Art Unit 2169

Continuation of 11. does NOT place the application in condition for allowance because: As per rejection of claim 20 under 35 U.S.C.101, Applicant argues in substance in pages 9 - 10 that the rejection is not based on reading the claim in its entirety and reading the claim as a whole, the limitation "computer readable medium", a person of ordinary skill in the art would understand the limitation to be a computer readable tangible storage medium that stored instructions, moreover, applicant amend the claimed to read "computer readable storage medium".

In response to Applicant argument, Examiner respectively respond that the claimed as recited by applicant is statutory under 35 U.S.C.101, however, on paragraph [0119] - para.[0121] of the specification, applicant defines the claimed computer recording medium as not limited to statutory subject matter such as SIM card, SD card. Since the embodiment encompass by computer recording medium are left open-ended. One of ordinary skill in the art may construe the embodiments to encompass waves, signal, etc. In such embodiments, the program is unable to act as a computer component and have its functionality realized, because the the full scope of the claim as properly read in light of the disclosure encompass non-statutory subject matter, the claim as a whole is non-statutory under 35 U.S.C.101.

As per claim 1, Applicant argues in substance in pages 10 - 13 that neither Rubin nor Shteyn specifically disclose "append that ID to a portal address assigned to the portable memory and then writes the portal address with the appended ID into the portable terminal memory".

In response to Applicant's argument, Examiner respectively respond that Rubin fully disclose append that ID to a portal address assigned to the portable memory and then writes the portal address with the appended ID into portable terminal memory (col.8 lines 42 -61 and col.9 lines 24 - 40).

Examiner interprets "portal key uniquely identify device (e.g. portal device serial number)" is "portable terminal ID", "embedded portal key in portal device" is "appending portable terminal ID to the portal address" as claimed.

As per claim 20, Applicant argues in substance in pages 13 - 14 that neither Rubin nor Shteyn nor Poulsen specifically disclose read an ID from portable terminal, appending the ID to a portal address, and storing the address with appended ID in the portable terminal.

In response to Applicant argument, Examiner respectively respond that Rubin fully disclose read an ID from portable terminal, appending the ID to a portal address, and storing the address with appended ID in the portable terminal (col.8 lines 42 -61 and col.9 lines 24 - 40).

Examiner interprets "embedded portal key in portal device" is "appending ID to a portal address" and "portal device storing portal key and associated information" is "storing that address with appended ID in the portable terminal" as claimed.

As per claim 5, Applicant argues in substance in pages 14 - 15 that Rubin dose not disclose wherein that data reading/writing device is arranged to store the corresponding uer-specific portal site address data appended to the ID read from the portable terminal in the memory medium of the portable terminal.

In response to Applicant's argument, Examiner respectively respond that Rubin fully disclose wherein the data reading/writing device is arranged to store the corresponding user-specific portal site address data appended to the ID read from the portable terminal in the memory medium of the portable terminal (col.5 lines 55 - 67, col.6 lines 24 - 53, and col.8 lines 42 - 61).

Examiner interprets "storing portal and associated information in memory is" storing user-specific portal site address data appended to the ID read from portable terminal" as claimed .

As per claim 14, Applicant argues in substance in pages 14 - 15 that Rubing does not disclose storing in the memory medium of the portable terminal of the portal site address data having the received ID.

In response to Applicant's argument, Examiner respectively respond that Rubin fully disclose storing in the memory medium of the portable terminal of the portal site address data having the received ID (col.3 lines 23 - 63, col.4 lines 48 - 67, and col.8 lines 42 - 61).

Examiner interprets "storing information associated with portal key on portal device" is "storing portal site address data in the memory of a portable terminal" as claimed.

Thus, Examiner maintains the rejections .